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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

GHANA

Communicated by the Government of Ghana

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

NARCOTIC DRUGS (CONTROL, ENFORCEMENT AND SANCTIONS) LAW, 1990

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*) Note by the Secretariat: The present document is a direct reproduction of the texts communicated to the Secretariat.

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NARCOTIC DRUGS (CONTROL, ENFORCEMENT AND SANCTIONS) LAW, 1990

IN pursuance of the Provisional National Defence Council (Establishment) Proclamation 1981, this Law is hereby made:

PART I—OFFENCES RELATING TO NARCOTIC DRUGS

Importation and exportation of narcotic drugs.

1. (1) Any person who imports or exports any narcotic drug without a licence issued by the Secretary for Health for that purpose commits an offence and shall on conviction be liable to imprisonment for a term of not less than ten years.

(2) The Secretary for Health may grant a licence for the importation of narcotic drugs if on an application made to him by such persons as may be prescribed he is satisfied that the licence can be properly granted.

(3) A licence may be granted under subsection (1) of this section subject to such conditions as the Secretary for Health may specify.

(4) Where a person imports any narcotic drug he shall within 14 days of such import deliver to the Pharmacy Board the particulars of the drug imported.

Prohibition on possession of narcotic drugs.

2. (1) Any person who, without lawful authority, proof of which shall be on him, has in his possession or under his control any narcotic drug commits an offence.

(2) Any person found guilty of an offence under subsection (1) shall on conviction be liable to imprisonment for a term of not less than ten years.

Prohibited business relating to narcotics.

3. (1) No person shall without lawful authority manufacture, produce or distribute narcotic drugs.

(2) No person shall without lawful authority undertake any activity for the purpose of establishing or promoting any enterprise relating to narcotic drugs.

(3) A person who without lawful authority has in his possession or under his control any machine, equipment, tool, utensils or any other material or article for the manufacture, production, distribution, administration or use of narcotic drug commits an offence.

(4) Any person who commits an offence under this section and is found guilty is liable on conviction to a term of imprisonment of not less than ten years.

Cultivation of plants for narcotic purposes.

4. (1) No person shall without lawful authority, cultivate any plant which can be used or consumed as narcotic drug or from which narcotic drug can be extracted.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for a term of not less than ten years.

Use of narcotic drugs prohibited.

5. (1) No person shall without lawful authority or excuse smoke, sniff, consume, inject in his body or otherwise administer narcotic drug on his body.

(2) Any person who without lawful authority injects any person with, or in any manner administers narcotic drug to any person commits an offence.

(3) A person convicted for an offence under subsection (1) or (2) is liable to be sentenced to imprisonment for a term of not less than five years.

Offence to supply or buy narcotic drugs.

6. (1) Any person who without lawful authority, proof of which shall be on him, supplies any narcotic drug to any person commits an offence.

(2) Any person who without lawful excuse buys narcotic drugs commits an offence.

(3) A person who commits an offence under subsection (1) or (2) of this section shall on conviction be liable to imprisonment for a term of not less than five years.

Special mitigating factors.

7. Where a court, in sentencing a person convicted under section 5 (1) or section 6 (1), finds that having regard to the unaggravated nature of the offence and any special circumstances relating to the offence or the offender, the imposition of the minimum sentence provided in respect of the offence is harsh, it may sentence the accused to a lesser term of imprisonment and in addition to a fine of not less than ₵200,000.

Previous convictions.

8. (1) Where a person is convicted of an offence under this Part and the court finds that the person has been convicted on two previous occasions for offences for illegal importation, exportation, manufacture, distribution, cultivation or supply of narcotic drugs contrary to Part 1 of this Law, the court shall sentence the person to life imprisonment.

(2) A Magistrate Grade 1 or a District Tribunal may try and convict a person for an offence under this Part but shall commit the accused to an appropriate Court or Public Tribunal for sentence.

Meaning of narcotic drugs.

9. (1) For the purposes of this Law narcotic drug means any of the substances specified in the Schedules to this Law whether in its natural or synthetic form.

(2) The Secretary may by legislative instrument amend the Schedules to this Law.

PART II—OFFENCES IN RELATION TO PROPERTY

Use of property for narcotic offences.

10. (1) Any person who directly or indirectly deals in relation to or uses any property within or outside Ghana—

(*a*) with the intention of promoting, managing, establishing or carrying on any activity which is an offence under Part I of this Law; or

(*b*) with the intention of facilitating or assisting in the promotion, management, establishment or carrying on of any activity which is an offence under Part I of this Law,

commits an offence.

(2) A person is guilty of an offence under subsection (1) whether the narcotic drug offence has been committed or any person has been charged or convicted of the offence.

(3) A person convicted of an offence under subsection (1) of this section is liable to be sentenced to imprisonment for a term of not less than ten years.

Possession of property obtained by trafficking in narcotic drugs.

11. (1) No person shall possess any property or the proceeds of any property knowing that all or a part of the property or of those proceeds was obtained or derived directly or indirectly from—

(*a*) the commission in Ghana of a narcotic drug offence; or

(*b*) an act anywhere which, if it had occurred in Ghana, would have constituted a narcotic drug offence.

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to imprisonment for a term of not less than 10 years.

Laundering proceeds from a narcotic drug offence.

12. (1) No person shall use, transfer the possession of, send or deliver to any person or place, transport, transmit, alter, dispose of or otherwise deal with, in any manner, any property or proceeds of any property with intent to conceal or convert that property or those proceeds knowing that all or a part of that property or of those proceeds was obtained or derived directly or indirectly as a result of—

(*a*) the commission of a narcotic drug offence; or

(*b*) an act anywhere which, if it had occurred in Ghana, would have constituted a narcotic drug offence.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction to imprisonment for a term of not less than ten years.

Forfeiture of property upon conviction.

13. (1) Where any person is convicted of an offence under Part I or Part II of this Law the court before which he is convicted shall confiscate or forfeit any equipment or property which is the subject matter of the offence or which has been used for the commission of that offence.

(2) No conveyance used for the commission of the offence shall be forfeited if the offence was committed by a person other than the owner or person in charge of the conveyance and it is proved to the court that the use of such conveyance for the commission of the offence was without the knowledge or consent of the owner or person in charge of the conveyance and was not due to any neglect, default, or lack of reasonable care by the owner or the person in charge of the conveyance.

Forfeiture on proof of offence under Part I or Part II.

14. Subject to subsection (2) of section 13 where it is proved to the satisfaction of a court that an offence under Part I or Part II has been committed, the court shall make an order for the confiscation or forfeiture of any equipment or property which is the subject matter of that offence or which has been used for the commission of that offence, notwithstanding that no person may have been convicted of the offence.

PART III—FORFEITURE OF PROPERTY OF LIABLE PERSONS

Persons liable to be proceeded against.

15. (1) Any person who—

(*a*) has been convicted of an offence under Part I or Part II of this Law or of a corresponding offence under a foreign law committed after the commencement of this Law; or

(*b*) who holds, conceals, receives or uses directly or indirectly any illegal property knowing or having reason to believe it to be illegal property,

is liable to be proceeded against under this Part.

(2) A present holder of any property which was at any time previously held by a person referred to in paragraph (*a*) shall also be liable to be proceeded against under this Part, unless the present holder or any person who held the property before the present holder purchased the property in good faith for valuable consideration.

(3) Where a person referred to in subsection (1) or (2) is deceased, his personal representative, or where there is no personal representative any person who has a beneficial interest in the estate of the deceased may be proceeded against.

(4) No person shall be proceeded against under subsection (3) unless the Attorney-General has made an application to a court and the court after hearing the parties orders the person specified to be proceeded against.

(5) No proceedings against a liable person shall be instituted under this Part if there is pending against him in any court in Ghana any prosecution for an offence under Part I or Part II of this Law.

(6) Where during the pendency of proceedings against a liable person under this Part there is instituted against him in a court in Ghana any prosecution for any of the offences specified in subsection (5) of this section the proceedings in the court under this Part shall be stayed until the proceedings in respect of the prosecution have been finally concluded.

(7) Where any proceedings in a court against a liable person under this Part are prohibited from being instituted, or are stayed, under subsection (6) such prohibition or stay shall not—

(*a*) affect any earlier seizure or lawful exercise of any power of the Attorney-General or a police officer and any such act shall remain in force until the final conclusion of the proceedings under this Part; or

(*b*) prevent the further or continued exercise, or the fresh exercise by a police officer or the Attorney-General of his powers in respect of that liable person.

Application to the court.

16. (1) Where the Attorney-General has reason to believe that any person is a liable person, he may apply ex-parte to a court for an order of forfeiture of all the properties of which that person is a holder and which the Attorney-General has reason to believe are illegal properties.

(2) The application, supported by an affidavit shall—

(*a*) identify the liable person to be proceeded against, state his address of residence or business, if known, and other relevant particulars, which are known;

(*b*) state the grounds on which he is a liable person;

(*c*) identify the properties to be forfeited, set out their estimated value, and, if known, their location; and

(*d*) state any other matter, circumstance or information which, in the opinion of the Attorney-General, is relevant to the application.

Notice to show cause against forfeiture.

17. (1) The court may on hearing the application of the Attorney-General under section 16 (1), issue a notice on the liable person specified in the application, attaching the affidavit referred to in section 16 (2), and calling on the liable person to attend before the court on a date specified in the notice, which shall not be less than thirty days from the date of the notice, to show cause why all or any of the properties identified in the application should not be forfeited.

(2) Where a notice to any person under subsection (1) specifies any property as being held on behalf of the liable person by any other person, or as being transferred or sold to, or deposited or kept with, any other person, a copy of the notice shall be served upon such other person.

(3) Where before a notice is issued under subsection (1) the Attorney-General informs the court that the liable person referred to in his application has died before or after the application was filed, the notice shall be issued against the personal representative, and where there is no personal representative, against such beneficiary of his estate as may be specified by the court.

(4) The Attorney-General may at any stage of the proceedings under this section, apply to the court for an amendment of the notice.

(5) The court may, after giving the liable person an opportunity to be heard, make such order on the application as the court considers just and proper; where the court grants the application, whether with or without modifications, it may give such directions in the matter as it may consider necessary.

Forfeiture of property in certain circumstances.

18. (1) Where—

(*a*) at the hearing of the notice to show cause, under subsection (1) of section 17, the person against whom the notice was issued fails to appear and the court is satisfied that he could not be served or that he has absconded or is outside Ghana and cannot be compelled to attend before the court; or

(*b*) at any time during the proceedings, the person affected fails without reasonable cause to attend the proceedings,

the proceedings shall be continued in his absence.

(2) The court, at the conclusion of the proceedings under this section shall record a finding—

(*a*) whether or not any property specified in the application is illegal property; and

(*b*) whether or not the liable person is the holder of the illegal property.

(3) Where the court records a finding that any of the properties specified in the application made by the Attorney-General is illegal property and that the person named in the application is the holder of the illegal property, it shall order that such property be forfeited subject to the provisions of this Part.

(4) Where the court finds that all or any of the properties specified in the Attorney-General's application are illegal properties but that the person affected is not the holder of the property, then whether or not the court finds the person affected to be a liable person the court shall order that the property be forfeited, unless another person claims to be lawfully entitled to it as a purchaser in good faith for valuable consideration or the Attorney-General informs the court that he intends to make a fresh application in respect of the illegal property against a liable person other than the person to whom the application relates.

(5) Where another person claims under subsection (4) to be lawfully entitled to the illegal property as a purchaser in good faith for valuable consideration the court shall proceed to consider such claim, and if, after giving an opportunity to the Attorney-General to rebut the claim, the court is satisfied that the person is not a purchaser in good faith for valuable consideration, it shall order that the property be forfeited.

Forfeiture of certain types of property.

19. (1) Where the court is satisfied that any property which it has ordered to be forfeited under section 18—

(*a*) cannot be located or traced;

(*b*) has been transferred to a purchaser in good faith for valuable consideration;

(*c*) is located outside Ghana;

(*d*) has been intermingled with other property which cannot be separated or divided without difficulty; or

(*e*) has been diminished in value,

the court shall make an order in accordance with subsection (2) of this section.

(2) The court shall order that—

(*a*) any property of the liable person be forfeited to the value of any property referred to in paragraphs (*a*), (*c*) or (*d*) of subsection (1) or, in the case of property referred to in paragraph (*b*) or (*e*) of subsection (1), to the extent of the purchase price, or to the extent to which it has been diminished in value as the case may be; and

(*b*) where there is no other property available for forfeiture, or where the value of the property ordered to be forfeited is less than the value of the property originally ordered to be forfeited, an amount be forfeited equal to the full value of the property originally ordered to be forfeited.

(3) If the liable person fails to pay the amount specified in subsection (2) within a period not exceeding thirty days from the date of the order, the court shall sentence him to imprisonment for a term of not less than five years and not more than ten years.

(4) Where the person, in respect of whose property an order of forfeiture under section 18 has been made, dies before or dies after the order is made, the order shall have effect against the estate of the deceased in the same manner as it would have had against him and his property.

(5) No order for payment of an amount shall be made against the personal representative of the estate of the deceased or any beneficiary of such deceased if no property in the estate of the deceased is available for forfeiture or for payment of the amount.

(6) For the purpose of this section, the value of any property, shall be its market value at the date on which the order was made, or such value as may be determined by a person qualified to assess the value of such property.

(7) In the event of any dispute over the value of any property the court shall determine the value after hearing representations by the person affected and the Attorney-General.

Certain dealings to be null and void.

20. (1) Any dealing, contract, or other thing effected, done, or entered into, by any person or between any persons after the issue of a notice to show cause under section 17 (1) in respect of any property referred to in, or affected by the said notice shall be null and void, and shall not be registered or otherwise given effect to by any person or authority.

(2) Until the proceedings under this Part in respect of the notice under section 17 have been concluded—

(*a*) no action, suit or other proceedings of a civil nature shall be instituted or if it is pending, be continued in any court or before any authority against the person named in the notice or in respect of whose estate or property the notice is issued, or in respect of any property referred to in, or affected by the notice; and

(*b*) no attachment, execution or other similar process shall be commenced, or if it is pending, be continued with against the person or in respect of any property on account of the claim, judgement or decree, whether the claim was made or the judgement or decree was given before or after the notice was issued;

except at the instance of the State or except with the prior consent in writing of the Attorney-General.

Proceedings not to abate upon death of persons affected.

21. (1) Proceedings under this Part shall not abate upon the death of the person affected but shall be continued to their final conclusion, whether or not such death results from the execution of a sentence of death for any offence under any law and whether or not the offence is related to or involves any narcotic drug, and where proceedings under this Part are instituted against a person who is under a sentence of death those proceedings shall not impede, delay or in any manner or for any reason affect the process for the execution of the sentence.

(2) Where the liable person dies before the conclusion of any proceedings under this Part, but after the issue of the notice against him under section 17 (1), the proceedings shall be continued against the personal representative of the deceased liable person or, if there is no such personal representative, against such beneficiary of the estate of the deceased liable person as may be specified by the court upon application by the Attorney-General.

(3) Where at any time after any specification of a beneficiary has been made by a court under section 15(4) or by a court under section 17 (3) and, representation to the estate of the deceased has been duly taken out, the Attorney-General shall apply to the court for the personal representative to be substituted for the beneficiary, and the court shall order accordingly, after giving an opportunity to the said beneficiary or the personal representative to be heard.

(4) In making an order under subsection (3) the court may give all such directions of transitional, incidental or ancilliary nature as it may consider necessary.

Proceedings under this Part to be within the criminal jurisdiction of the High Court, ect.

22. Proceedings under this Part shall be dealt with by the High Court, the National or Regional Public Tribunal in the exercise of their criminal jurisdiction and the law relating to criminal procedure in the Court or Public Tribunal shall apply.

PART IV—ARREST, INVESTIGATION AND SEIZURE

Power of arrest and detention.

23. Any police officer may arrest without warrant any person whom he reasonably suspects to have committed or to be committing an offence under this Law, and shall as soon as possible thereafter put the arrested person before a magistrate or the Public Tribunal.

Power of entry, search and seizure.

24. (1) Whenever it apears to any authorised police officer that there is reasonable cause to suspect that in or on any premises, there is concealed or deposited any property liable to forfeiture under this Law or to which an offence under this Law is reasonably suspected to have been committed, or any book or document directly or indirectly relating to or connected with any dealing, or intended dealing, whether within or outside Ghana in respect of any property liable to seizure or forfeiture under this Law or which would, if carried out be an offence under this Law, he may at any time—

(*a*) enter such premises and there search for, seize and detain, any such property, book or document;

(*b*) search any person who is in or on such premises, and for the purpose of such search, detain such person and remove him to such place as may be necessary to facilitate such search;

(*c*) arrest any person who is in or on such premises in whose possession any property liable to seizure or forfeiture under this Law is found, or whom the officer reasonably believes to have concealed or deposited such property,

(*d*) seize and detain any book or document found in or on such premises or on such person;

(*e*) break open, examine, and search, any article, container or receptacle;

(*f*) stop, search and detain any conveyance.

(2) The officer may if it is necessary—

(*a*) break open any outer or inner door or window of such premises and enter;

(*b*) forcibly enter such premises and every part thereof;

(*c*) remove by force any obstruction to the entry, search, seizure or removal as he is empowered to effect;

(*d*) detain every person found in or on such premises, until such premises have been searched.

(3) The provisions of subsection (1) and (2) shall not apply in relation to banker's books in a bank.

Search of person.

25. (1) An authorised police officer may search or cause to be searched, any person whom he has reason to believe has on his person any property liable to seizure or forfeiture under this Law or any article necessary for the purpose of any investigation under this Law.

(2) For the purposes of a search referred to in subsection (1) the authorised Police officer may detain that person for such period as may be necessary to have the search carried out, which shall not in any case exceed twenty-four hours, without the authorisation of a magistrate, and may remove him in custody to any place necessary to facilitate the search.

(3) A search of a person under this section may extend to a medical examination of his body, both externally and internally, by a medical officer.

(4) No female person shall be searched under this section or under section 15 except by another female.

Obstruction of inspection and search.

26. Any person who—

(*a*) refuses any police officer, authorised to enter or search, access to any premises or fails to submit to search by a person authorised to search him;

(*b*) assaults, obstructs, hinders or delays him in effecting any entrance in the execution of any duty imposed or power conferred by this Law.

(*c*) fails to comply with any lawful demand of any authorised police officer in the execution of his duties under this Law;

(*d*) refuses or neglects to give any information which may reasonably be required of him and which he has power to give;

(*e*) fails to produce or conceals or attempts to conceal any property, document, or book in relation to which there is reasonable ground for suspecting that an offence has been or is being committed under this Law, or which is liable to seizure under this Law;

(*f*) rescues or endeavours to rescue or causes to be rescued anything which has been duly seized;

(*g*) furnishes to any officer as true, information which he knows or has reason to believe to be false; or

(*h*) before or after any seizure, breaks or otherwise destroys anything to prevent the seizure or securing of that thing;

is guilty of an offence and liable on conviction to a fine not exceeding ₲200,000.00 or to imprisonment for a term not exceeding two years or both.

Power to intercept communication.

27. (1) Notwithstanding the provisions of any other law, a magistrate or a District Tribunal if he or it considers on an application made to him or it that any communication or postal article is likely to contain any information or substance which is likely to be relavant for the purpose of any investigation into an offence under Part I or Part II or subsection (7) of section 31 or any corresponding foreign law, or for a purpose under this Law, may authorise a police officer—

(*a*) to intercept, detain and open any postal article in the course of transmission by post;

(*b*) to intercept any message transmitted or received by any telecommunication; or

(*c*) to intercept or listen to any conversation by any telecommunication.

(2) When any person is charged with an offence under Part I or Part II or subsection (7) of section 31, or when any proceedings are taken under Part III any information obtained by a police officer under subsection (1), whether before or after that person is charged, or before or after those proceedings are commenced, shall be admissible at his trial in evidence, or in those proceedings as the case may be.

(3) An authorisation by a magistrate or District Tribunal under subsection (1) shall be given in writing to a police officer specified in the authorisation.

(4) A certificate by a magistrate or District Tribunal that the action taken by a police officer in pursuance of subsection (1) had been authorised by him or it under subsection (1) shall be conclusive evidence that it had been so authorised and that certificate shall be admissible in evidence without proof of signature.

(5) No person shall be under any duty, obligation or liability or be in any manner compelled to disclose in any proceedings the procedure, method, manner or means or any related matter, with regard to anything done under paragraphs (a), (b) or (c) of subsection (1).

(6) For the purpose of this section—

"postal article" has the meaning assigned to it in the Posts and Telecommunication Corporation Decree, 1975 (N.R.C.D. 311); and

"telecommunication" has the meaning assigned to it in the Posts and Telecommunications Corporations Decree, 1975 (N.R.C.D. 311).

Special power of investigation.

28. (1) Notwithstanding the provisions of any other law, the Attorney-General, if satisfied that it is necessary for the purpose of any investigation into an offence under this Law or any corresponding foreign law, or for the purpose of any proceedings under Part III, may by order in writing, authorise any police officer specified in the order to make an investigation in the matter in a manner or mode as may be specified in the order.

(2) Without prejudice to the generality of subsection (1), the order may authorise the investigation, inspection, and taking of copies, of any banker's book or bank account, or any share accounts or purchase account, expense account, or any other account or the inspection of any safe deposit box, in any bank, financial institution, company, firm, association, society or other body, and this shall be sufficient authority for the disclosure or production by any person, of all or any information or accounts or documents or articles as may be required by the officer.

(3) Any person who wilfully fails or refuses to disclose any such information or to produce any such accounts or documents or articles to the person so authorized is guilty of an offence and shall, on conviction, be liable to a fine of not less than ₵200,000 or to imprisonment for a term not exceeding two years or to both.

(4) Where any person discloses any information or produces any accounts or documents or articles, to the authorized person, no person shall in respect of such disclosure be liable for any prosecution for any offence under any law, or to any civil claim or action.

Attorney-General's powers to obtain information.

29. (1) Notwithstanding the provisions of any other law, for the purposes of any investigation into, or any proceedings relating to an offence under this Law or any corresponding foreign law suspected to have been committed by any person, or for the purposes of any proceedings under Part III against any person, the Attorney-General may by written notice—

(*a*) require the person, or any other person in respect of whom the Attorney-General has reason to believe that the information from him will assist in the investigation to furnish a sworn statement in writing—

(i) identifying each item of movable or immovable property, whether within or outside Ghana, belonging to or possessed by such person, or by his relatives or associates, and specifying the date on which each of the properties so identified was acquired and the manner in which it was acquired;

(ii) identifying each property sent out of Ghana by him during such period as may be specified in the notice;

(iii) setting out the estimated value and location of each of the properties identified under sub-paragraphs (i) and (ii), and if any of those properties cannot be located, the reason for not locating them;

(iv) stating in respect of each of the properties identified under sub-paragraphs (i) and (ii) whether the property is held by himself or by any other person on his behalf, whether it has been transferred, sold to, or kept with any other person, whether it has diminished in value since its acquisition by him, and whether it has been intermingled with other property which cannot be separated or divided without difficulty;

(v) setting out all other information relating to his properties, business, travel, or other activities specified in the notice;

(vi) setting out all his sources of income, earnings or assets;

(*b*) require any public officer to produce or furnish any document which is in his possession or under his control;

(*c*) require any public officer or employee of any bank or financial institution, or any person who is in any manner or to any extent responsible for the management and control of the affairs of any bank or any financial institution, to furnish copies of any or all accounts, documents and records relating to any person to whom a notice has been issued under paragraph (*a*).

(2) Every person to whom a notice is sent by the Attorney-General under subsection (1) shall, notwithstanding the provisions of any other law, or of any oath, undertaking or requirement of secrecy to the contrary, or of any obligation under any contract, agreement or arrangement, whether express or implied, comply with the terms of the notice within the time specified in it.

(3) Any person who wilfully neglects or fails to comply with a notice given under subsection (1) shall be guilty of an offence and shall be liable, on conviction, to a fine of not less than ₵200,000 or to imprisonment for a term not exceeding two years or to both.

(4) Where any person discloses any information or produces any accounts, document, or article, to an authorised person, neither that person nor any other person on whose behalf or direction or as whose agent or employee, that person may be acting, shall, on account of the disclosure or production, be liable to any prosecution for any offence under any law or to any civil action.

(5) Subject to subsection (6) no statement, document or other article obtained under this section shall be admissible in evidence in the trial of any person from whom it is obtained if it is proved that it was obtained by duress.

(6) Nothing in this section shall require any person to produce any information or make any statement likely to incriminate himself.

Power of Attorney-General to request information from certain officers.

30. (1) Notwithstanding anything contained in any other law, the Attorney-General may require any public officer within the time specified by him, to furnish any information in relation to any person, which in the opinion of the Attorney-General will be useful for, or relevant for the purposes of this Law.

(2) Where any public officer furnishes any information under subsection (1) he shall not on that account be liable to any prosecution for any offence or to any civil action.

Order by Attorney-General in relation to person intended to be proceeded against.

31. (1) Where the Attorney-General—

(*a*) intends to make an application to a court under section 16 against any person; or

(*b*) intends to institute against any person prosecution for an offence under this Law; or

(*c*) has already instituted against any person prosecution for an offence under this Law and the proceedings are pending,

the Attorney-General may by order addressed to the person named in the order require the person so named or described to comply with such conditions as may be set out in the order.

(2) For the purposes of paragraph (*c*) of subsection (1), proceedings in respect of a prosecution shall be regarded as pending where the decision of the court of original jurisdiction before which the proceedings are pending has not yet been delivered.

(3) Without prejudice to the generality of subsection (1), the order may require the person named or described in the order—

(*a*) to disclose to the Attorney-General within such time as may be specified in the order the value, nature, whereabouts, and all other relevant particulars, of all property or any particular property, held by such person or by any other person on his behalf;

(*b*) to disclose to the Attorney-General within such time as may be specified in the order the value, nature, whereabouts and all other relevant particulars, of all property held by him or by any other person on his behalf during the five years preceding the date of the order, not being a period before the commencement of this Law;

(*c*) not to deal with, expend or dispose of any property held by him without the prior written approval of the Attorney-General;

(*d*) not to remove from or send out of Ghana or cause to be removed from or sent out of Ghana, any property held by him without the prior written approval of the Attorney-General;

(*e*) not to leave Ghana without the prior written approval of the Attorney-General and to surrender all his travel documents, whether issued by the Government of Ghana or any other government, to an immigration officer within such period as shall be specified in the order.

(4) An order under subsection (1) may require any person holding property on behalf of a person named or described in that order, to comply with the provisions of that order, including provisions corresponding to paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (3) in relation to properties held by him.

(5) An order under subsection (1) may require all persons generally, or any particular class or description of persons specified in the order, who hold, otherwise than as a purchaser in good faith for valuable consideration, any property in which any person named or described under subsection (1) has an interest or had an interest during the five years preceding the date of the order, not being a period before the commencement of this Law—

(*a*) to disclose to the Attorney-General within the time specified in the order, the value, nature, whereabouts, and any other relevant particulars of that property;

(*b*) not to remove from or send out of Ghana or cause to be removed from or sent out of Ghana any property without the prior written approval of the Attorney-General;

(*c*) not to deal with, expend, or dispose of any such property without the prior written approval of the Attorney-General.

(6) Where an order has been issued under subsection (1), the Attorney-General may by notice in writing require any person to whom the order applies to make such disclosures or give such information, or to do or refrain from doing any particular act in relation to any property affected by the order as may be necessary for the purpose of securing compliance with the order and any such notice shall be without prejudice to the liability under subsection (7) of the person for failure to comply with any provision of the order, whether, or not that provision is affected by the notice.

(7) Where an order has been issued under subsection (1), it shall, as from such date as may be specified therein, be an offence for any person to--

(*a*) contravene any requirement, direction, term or other provision of the order or of any notice issued under subsection (6);

(*b*) conceal, hide, destroy or alter any object, article, material or thing, or accounts, books or other documents, or any entries therein of or relating to any person or property affected by the order;

(*c*) deal with, dispose of, remove from or send out of Ghana or cause to be removed from or sent out of Ghana anything referred to in paragraph (b) without the prior written approval of the Attorney-General;

and any person who commits such offence shall, on conviction, be liable to a fine not exceeding ₵500,000 or imprisonment for a term not exceeding three years or both.

Dealings after issue of order invalid.

32. Any dealing, contract, or other thing effected, done or entered into, by any person or between any persons after the issue of an order under subsection (1) in respect of any property affected by such order, except any dealing effected under this Law by a public officer in his capacity as such officer, or otherwise by or on behalf the Government of Ghana, or a local authority or other statutory body, shall be null and void.

Stay of civil proceeding during existence of order.

33. Whilst an order under subsection (1) of section 31 remains in force—

(*a*) no action, suit or other proceeding of a civil nature shall be instituted or if they are already pending, be continued or maintained before any court against the person named or described in subsection (1) or in respect of any property affected by that order; and

(*b*) no attachment, execution or other similar process shall be commenced, or if any such process is pending, be maintained or continued against the person or in respect of any property affected by that order on account of any claim, judgement or decree, whether the claim was made, the judgement or decree was given, before or after the order was made.

except at the instance of the State or except with the prior consent in writing of the Attorney-General.

34. (1) An order under subsection (1) of section 31—

Cessation of order.

(*a*) shall, in the case of an order against a person referred to in paragraph (*a*) of subsection (1), cease to remain in force if no application to the Court under section 16 is filed by the Attorney-General against that person within fourteen days after date of the service of the order;

(*b*) shall, in the case of an order against a person referred to in paragraph (*b*) of subsection (1) cease to remain in force if that person is not charged with an offence under this Law within fourteen days of the date of the service of the order;

(*c*) shall cease to remain in force if the Court records a finding under subsection (2) of section 18 that the person named in the order is not a liable person, or in the case of a person prosecuted for an offence, if he is acquitted of the offence;

(*d*) shall cease to apply to any property in respect of which the court records a finding under subsection (2) of section 18 that it is not illegal property.

(2) Where an order under subsection (1) of section 31 ceases to remain in force, or ceases to apply to any property that cessation shall not be a bar to any fresh order being made at any time against any person to whom the earlier order applied, or in respect of any property affected by the earlier order.

Provided that the fresh order shall relate to a fresh application or a fresh prosecution.

(3) Where an order under subsection (1) of section 31 is in force in relation to any property, a police officer may, for the purposes of preventing that property from being removed from Ghana, seize that property; and any property so seized shall be dealt with in accordance with the directions of the court.

(4) No information obtained under this section shall be admissible in evidence in the trial of any person from whom it was obtained if it is proved that it was obtained by duress.

Seizure of movable property.

35. (1) Any movable property which an authorised police officer reasonably suspects to be the subject matter of an offence under this Law or which has been used for the commission of that offence, or is illegal property, shall be liable to seizure.

(2) Whenever any movable property is seized under subsection (1), the officer effecting the seizure, shall as soon as practicable, serve a notice in writing of the seizure and the grounds for the seizure on the owner of the property, if the owner and his where abouts are known:

Provided that the notice shall not be required to be served where the seizure is made in the presence of the person against whom proceedings under Part III are intended to be taken, or in the presence of the owner of that property or his agent, or in the case of an aircraft, in the presence of the pilot.

(3) Subsection (1) shall not apply to any aircraft belonging to any person carrying on a regular lawful passenger or freight service within Ghana or to and from Ghana except where prosecution for an offence under this Law is to be instituted, or proceedings under Part III are to be taken, against the owner of the aircraft.

Seizure of immovable property.

36. (1) Where a police officer of or above the rank of Assistant Commissioner of Police reasonably suspects that any immovable property is the subject matter of an offence under this Law, or is illegal property, the property shall be liable to seizure, and the seizure shall be effected—

(*a*) by posting, where practicable, a copy of the notice of seizure in a conspicuous position on the immovable property; and

(*b*) by lodging a copy of the notice of seizure at the Lands Title Registry.

(2) The Lands Registrar shall make an entry in the Register kept in his office of the terms of the notice of seizure of the immovable property.

(3) The entry made under subsection (2) shall have the effect of prohibiting all dealings in respect of the immovable property and accordingly, after the notice has been lodged with the Lands Registrar, no dealing in respect of the immovable property shall be registered, whether it was lodged before or after the lodgment of the notice of seizure or the making of the entry.

(4) Subsection (3) shall not apply to a dealing effected under this Law by a public officer in his capacity as such officer, or otherwise by or on behalf of the Government.

Dealings in seized property after seizure to be void.

37. (1) After seizure of any property has been effected under this Law, and so long as the seizure remains in force, any dealing, contract, or other thing whatsoever, effected, done, or entered into by a person or between any persons in respect of the property, except any dealing effected under this Law by a public officer in his capacity as such officer, or otherwise by or on behalf of the Government or a local authority or other statutory body shall be void, and shall not be registered or otherwise given effect to by any person or authority.

(2) Subsection (1) shall be in addition to and not in derogation of subsections (3) and (4) of section 36.

(3) While a seizure of any property under this Law remains in force—

(*a*) no action, suit or other proceedings of a civil nature, shall be instituted, or if it is pending immediately before the seizure, be maintained or continued in any court or before any other authority in respect of the property which has been seized,

(*b*) and no attachment, execution or other similar process shall be commenced, or if any process is pending immediately before the seizure, be maintained or continued in respect of that property on account of any claim, judgement or decree, whether the claim was made, or the judgement or decree was given, before or after the seizure was effected,

except at the instance of the Government or except with prior consent in writing of the Attorney-General.

Validity of seizure, or sale, etc. not to be affected by certain objections.

38. Where seizure of any property has been effected under this Law, the validity of the seizure, or of any sale or other form of disposal of the property, or of any destruction of it in accordance with this Law, shall not be affected by any omission or any failure to conform to any procedural provision of this Law or of any other law in effecting the seizure or sale.

Release of property seized.

39. (1) Where property has been seized under this Law an authorised police officer other than the police officer who effected the seizure, may, at any time, before it is forfeited under this Law release the property to such person as he considers to be lawfully entitled to the property if he is satisfied that the property is not liable to forfeiture under this Law or under any law and is not otherwise required for the purpose of any proceedings under this Law, or any other law.

(2) Where a release has been effected under subsection (1) neither the officer effecting the seizure, nor the state nor any person acting on behalf of the Government, shall be liable to any civil proceedings by any person.

(3) A record in writing shall be made by the officer effecting any release of any property under subsection (1) specifying in detail the circumstances of, and the reason for, the release, and he shall send a copy of the record to the Attorney-General and to the Inspector-General of Police within seven days after the release.

Forfeiture of property seized under this Law where there is no prosecution or proceedings under Part III or no claim to it.

40. (1) Where any property has been seized under this Law, other than under or by virtue of Part VI, and—

(*a*) no prosecution for any offence under any law is instituted with regard to property;

(*b*) no proceedings are commenced by the Attorney-General for the forfeiture of the property under Part III; or

(*c*) no claim in writing is made by any person that he is lawfully entitled to the property or that it is not liable to forfeiture under this Law or any other law,

within six months from the date of its seizure, the property shall become forfeited immediately upon the expiration of the period of six months.

(2) Where within six months from the date of the seizure of any property under this Law, a claim in writing is made by any person to that property in terms of paragraph (*c*) of subsection (1)—

(*a*) the Attorney-General may release the property to the claimant if he is satisfied that there is no dispute as to the ownership of the property and that it is not liable to forfeiture; or

(*b*) where the Attorney-General is satisfied that there is a dispute as to the ownership of the property or doubt as to the person who owns it, or whether it is liable to forfeiture, he shall, within fourteen days after the expiry of the period of six months, refer the claim to a court for its decision.

(3) This section shall be without prejudice to the power of a police officer to release from seizure any property under section 39.

PART V—FORFEITURE

Vesting of forfeited property in State.

41. (1) Where any property is forfeited under this Law the property shall vest in the State free from any right, interest or encumbrance of any person except a right, interest or encumbrance which is held by a purchaser in good faith for valuable consideration and which is not otherwise void under any provision of this Law.

(2) Where any person who holds any encumbrance to which the property is subject claims that he holds the encumbrance as a purchaser in good faith for valuable consideration and that the encumbrance is not otherwise null and void under any provision of this Law, and the State disputes the claim, the Attorney-General may apply to a court to determine the question and the court shall determine the question after hearing the person holding the encumbrance and the reply of the Attorney-General.

(3) Where any property is vested in the State under subsection (1), the vesting shall take effect without any transfer, conveyance deed or other instrument whatsoever and where any registration of the vesting is required under any law, the authority empowered to effect the registration shall do so in the name of such public officer or such authority, person or body as may be specified.

(4) Where the property which has vested in the State under subsection (1) is immovable property the vesting shall be registered in the name of the Republic upon production to the Lands Registrar of the order of the court forfeiting the immovable property, or in case of property forfeited under subsection (1) of section 40, of a certificate of the Attorney-General certifying that it has been forfeited under that subsection.

PART VI—ASSISTANCE TO FOREIGN COUNTRIES

Request for and authority to render assistance.

42. Where a foreign government requests the Ghana Government or where a foreign authority requests the Ghanaian authority, for assistance in Ghana in relation to any drug-related matter in the foreign country, the Ghanaian authority shall, on the direction of the Attorney-General or may at its own instance, render all or any assistance requested to the extent and in the manner provided under this Part.

Information and particulars in relation to persons, bodies, etc.

43. The Ghanaian authority shall obtain or ascertain all particulars or information in respect of any person, body, business, enterprise or place, including copies of documents or official records of any department of the Government or any statutory body, or any agency of the Government or any extracts from any documents or official records, as may be available to him or as are capable of being lawfully obtained or ascertained by him, or as may be voluntarily furnished.

Service of process or documents.

44. (1) The Ghanaian authority shall cause to be served by any police officer on any person or body in Ghana any process or document issued by any person, authority or court in any foreign country.

(2) Non-compliance with any requirement contained in that process or document shall not render the person or body which is required to comply with the requirement liable to any penalty or liability in Ghana under any Ghanaian law, but it shall render him or it liable to every penalty provided under the law of the foreign country concerned in relation to it, including liability to the seizure or forfeiture of any property in Ghana on the order of the authority or court of the foreign country empowered to make the order.

Transmission of copies of statements or records or results of investigation.

45. (1) The Ghanaian authority may transmit or cause to be transmitted, to the foreign government or foreign authority a copy of the record of any investigation in Ghana by any competent person or authority including a copy of—

(*a*) any report or any statement recorded from any witness, accused or other persons;

(*b*) any document received or seized; or

(*c*) any conclusion or finding of any investigation,

in relation to any offence under this Law, or in relation to any proceeding under Part III of this Law.

(2) Copies of records of investigation may be transmitted under subsection (1) whether or not investigations have been completed and whether or not those investigations have resulted in a trial for an offence under this Law or the institution of proceedings under Part III of this Law, and whatever the outcome of any trial or proceeding that has taken place as a result of the investigations.

Examination of witness by an authorised police officee.

46. (1) The Ghanaian authority, shall order in writing or orally any person who is specified by the foreign government or foreign authority, or any other person who is reasonably suspected to have any relevant knowledge or information, to attend before him or any other authorised police officer, to be examined in respect of the drug-related matter specified by the foreign government or foreign authority.

(2) A person to whom an order has been given under subsection (1) shall attend in accordance with the terms of the order to be examined and shall continue to attend from day to day as directed by the authorised police officer conducting the examination until the examination is completed.

(3) A person undergoing an examination under this section shall disclose all information which is within his knowledge, or which is capable of being obtained by him, in respect of the matter for which he is being examined, and where any question is put to him he shall answer the question truthfully and to the best of his knowledge and belief.

(4) A person being examined under this section shall produce all such documents, articles or things as may be relevant to the examination or as he may be required to produce by the authorised police officer examining him, and the documents, articles or things may be retained in police custody or transmitted to the foreign government or foreign authority.

(5) Nothing contained in subsection (3) and (4) shall be construed as compelling the person who is being examined under this section to disclose any information or produce any document, article or thing which may incriminate him or his lawful spouse for an offence under any law, in Ghana or of the foreign country.

(6) No information or document obtained under this section shall be admissible in evidence at the trial of any person from whom it is obtained if it is proved that it was obtained by duress.

(7) Subject to subsections (5) and (6) any person who contravenes any provision of this section shall be guilty of an offence under this Law.

Examination of witness by a Magistrate or District Tribunal.

47. (1) A Magistrate Grade I or a District Tribunal at any place in Ghana may order any person present at any place in Ghana whether or not that place is within the area of jurisdiction of the

magistrate or District Tribunal, to appear before him to be examined on oath or affirmation where—

(*a*) that person has been specified by any foreign government or foreign authority; and

(*b*) an application for the order has been made to the magistrate or to the District Tribunal by the Attorney-General, upon a request made by the Ghanaian authority.

(2) The examination under subsection (1) shall be in relation to such drug-related matter as may be specified by the foreign government or the foreign authority, and the person shall answer all questions put to him by the Attorney-General or the authorised police officer either at his own instance or in accordance with any written interrogatories received from the foreign government or the foreign authority.

(3) A person ordered by a Magistrate or a District Tribunal to appear for examination under this section shall comply with the terms of the order and shall continue to attend for the examination.

(4) A person who is being examined before a Magistrate or District Tribunal under this section shall be entitled to be represented at the examination by counsel.

(5) Any person who—

(*a*) contravenes subsection (4); or

(*b*) fails to answer, or answers falsely, any lawful question put to him during an examination under this section,

shall be guilty of an offence under this Law.

Search of person or premises.

48. (1) An authorised police officer shall on the direction of the Ghanaian authority, search or cause to be searched—

(*a*) any person or premises specified by the foreign government or foreign authority in a request;

(*b*) any person who is or any premises which are, suspected by the authorised police officer to be necessary or expedient to be searched in relation to a request.

(2) For the purposes of any search under subsection (1), an authorised police officer shall have, and may exercise, any of the powers exercisable by an authorised police officer under this Law.

Seizure and transmission of property or article.

49. (1) An authorised police officer shall, on the direction of the Ghanaian authority seize any property, or article, the seizure of which is requested by a foreign government or a foreign authority under section 42—

(*a*) on the ground that the property is liable to forfeiture under the law of the foreign country; or

(*b*) on the ground that the property or article is required either as evidence or otherwise by the foreign government or authority for the purpose of a drug-related matter.

(2) Where any movable property, or article is seized under subsection (1), the Ghanaian authority may transmit it to the foreign government on an undertaking by the foreign government that it shall be returned to the Ghanaian authority upon the final conclusion of all proceedings concerning the drug-related matter in the foreign country unless the Government then notifies the foreign government that it does not require its return.

(3) Where any movable property, or article seized under paragraph (*b*) of subsection (1) is not transmitted to the foreign government or the foreign authority under subsection (2), or where it is returned to the Government upon the final conclusion of all proceedings concerning a drug-related matter in the foreign country, the Ghanaian authority shall return it to the person from whom it was seized unless it is required for the purpose of any prosecution or proceedings under this Law or under any other law.

(4) Upon the final conclusion of all proceedings concerning a drug-related matter in relation to which any property was seized under paragraph (*a*) of subsection (1), the property shall be dealt with, subject to subsections (5) and (6), in accordance with the order of the foreign authority or court in the foreign country which is empowered to make the order by the law of that country.

(5) Where the order of authority or court in the foreign country requires the property to be returned to that person in Ghana, the property upon its return to the Ghanaian authority shall be returned to that person unless the Ghanaian authority requires that property for the purpose of any prosecution or proceedings under this Law or under any other law.

(6) Where the order of the foreign authority or the foreign court is a final order for the forfeiture of the property, it shall be deemed to be an order for the forfeiture of it to the Government made by a court in Ghana, and shall, accordingly, be dealt with in accordance with the provisions of this Law applicable to an order for forfeiture by the court.

(7) For the purposes of subsection (6), "final order" means an order which is not subject to any appeal in the foreign country.

(8) No person shall be entitled to claim any compensation from the Government of Ghana or the foreign government or from any person or authority acting on behalf of the Government or the foreign government, or under any law in Ghana or the law of the foreign country, in respect of any seizure or disposal or release of any property under any law in Ghana or the law of the foreign country.

Interception of communication.

50. Where the Ghanaian authority is satisfied that for the purposes of rendering assistance to a foreign authority in relation to any drug-related matter, it is necessary, expedient or desirable for an authorised police officer to exercise the powers under section 27 for the interception of any communication, he may authorise a police officer to exercise the powers of an authorised police officer under section 27.

Exercise of powers of investigation by the Attorney-General.

51. Where, upon being informed by the Ghanaian authority of any request for assistance by a foreign government or a foreign authority under section 42, the Attorney-General is satisfied that it is necessary, expedient or desirable for him to exercise his powers under sections 29, 30 or 31, he may exercise those powers in the same manner and to the same extent as he may exercise them in relation to the matters specified under those sections respectively.

Transfer of a person in custody in Ghana into the custody of an authority in a foreign country.

52. (1) Where a request is made by a foreign government or a foreign authority under section 42 for the production before any authority or court in the foreign country as a witness for the prosecution in any proceedings before that authority or court, of any person who is undergoing imprisonment in Ghana or in lawful remand, the Secretary may issue an order for the transfer of that person into the custody of the officer of the foreign country who is designated by that foreign government or foreign authority for the

purpose of transporting that person from Ghana to the foreign country and thereafter, to be detained in that country under the custody of such authority or person as may be lawful in that country and produced from time to time under custody before the authority or court in which he is required to attend as a witness.

(2) Where the attendance of a person as a witness under subsection (1) is no longer required, the person shall be transported, in the custody of an officer of the foreign country, to Ghana and returned into the custody of the Ghanaian officer having lawful authority to take him into custody, and he shall, thereafter continue to undergo the imprisonment, detention or custody which he was undergoing prior to the transfer of his custody under subsection (1).

(3) The period during which the person was under foreign custody under this section shall count towards the period of his imprisonment, detention or other custody in Ghana.

(4) No transfer of any person into foreign custody shall be effected unless the foreign government gives an undertaking to the Government to bear and be responsible for all expenses of the transfer of custody, the up-keep of the person during his foreign custody and the return of the person into Ghanaian custody immediately upon his release from attendance before the authority or court in the foreign country.

Payment by foreign government to the Government.

53. The Government and any foreign government may enter into any arrangement in respect of the payment by the foreign government to the Government of any expenses incurred by the Government under this Part.

Interpretation of Part VI.

54. In this Part, unless the context otherwise requires—

"drug-related matter" means any investigation, inquiry, trial, or other proceeding in any foreign country under any law relating directly to narcotic drugs or to any property used for or derived from any activity relating to narcotic drugs, whether or not the activity is an offence under that law; or for the forfeiture of property under that law;

"foreign authority" means any person designated by a foreign government as authority competent to act on behalf of the foreign government for the purpose of this Law;

"Ghanaian authority" means any person designated by the Ghana Government as authority competent to act on behalf of the Government of Ghana for the purposes of this Law.

PART VII—NARCOTICS CONTROL BOARD

Establishment of Control Board.

55. (1) There is hereby established a Narcotics Control Board which shall consist of such officers as may be appointed by the Council.

(2) The Board shall be under the control and supervision of the Secretary for Interior.

(3) The Secretary may by legislative instrument specify the functions of the Board and provide for all other matters that are necessary for the full and effective implementation of this section.

PART VIII—GENERAL

Attempts abetments and criminal conspiracies.

56. Any person who—

(*a*) attempts to commit any offence under this Law or under any corresponding foreign law;

(*b*) does any act preparatory to or in furtherance of the commission of any offence under this Law or under any corresponding foreign law; or

(*c*) abets or is engaged in a criminal conspiracy to commit any offence under this Law or under any corresponding foreign law whether or not the offence is committed,

is guilty of the offence and liable to the punishment provided for the offence.

Offences by bodies of persons.

57. (1) Where an offence is committed under this Law or under regulations made thereunder by a body of persons—

(*a*) in the case of body corporate other than a partnership, every director or an officer of the body shall also be deemed to be guilty of the offence; and

(*b*) in the case of a partnership every partner or officer of that body shall also be deemed to be guilty of that offence.

(2) No person shall be deemed to be guilty of an offence by virtue of subsection (1) of this section if he proves that the offence was committed without his knowledge or connivance and that he exercised all due care and diligence to prevent the commission of that offence having regard to all the circumstances.

Notice or order not to be invalid for error in description.

58. No notice, notification or other process, issued, served or published, and no order, decision or judgment made, given, issued, served or published under this Law, shall be deemed to be invalid by reason of any error or omission in the description of the property or person mentioned in it if the property or person is identifiable from the description mentioned.

Power of police officers under other laws relating to criminal procedure.

59. The provisions of this Law in so far as they relate to the powers of a police officer shall be in addition to the powers of a police officer under any other law relating to criminal procedure; but where there is any inconsistency or conflict between the provisions of this Law and those of any other law the provisions of this Law shall prevail.

General penalty and evidence.

60. (1) Any person convicted of an offence under this Law for which no penalty is specifically provided shall be liable in respect of such offence, to a fine not exceeding ₵500,000.00 or to imprisonment for a term not exceeding three years or both.

(2) In any proceedings under this Law a document stating the results of analysis carried out on behalf of the State in respect of any substance suspected to be narcotic drug shall be *prima facie* evidence of the facts stated therein.

Regulations.

61. (1) The Secretary may by legislative instrument make regulations for the full and effective implementation of this Law.

(2) The Secretary for Health may in consultation with the Secretary make regulations specifying—

(*a*) class of persons to whom licences may be granted under this Law;

(*b*) persons entitled to dispense narcotic drugs;

(*c*) places where such narcotic drugs may be supplied; and

(*d*) particulars to be kept by registered suppliers.

Interpretation.

62. In this Law, unless the context otherwise requires—

"authorised police officer" means a police officer authorised by the Attorney-General, the Court, a Public Tribunal or the Inspector-General of Police to discharge any particular function in relation to which the expression is used;

"bank" means a bank licensed under the Banking Law 1989 (P.N.D.C.L. 225) or any person carrying on any banking business under any law, a licensed finance company, or any co-operative society registered under the Co-operative Societies Decree 1968 (N.L.C.D. 252);

"banker's books" includes ledgers, day books, cash books, accounts books and all other books and documents used in the ordinary course of the business of a bank;

"corresponding foreign law" or "foreign law corresponding to" means the provision of any law of any country, territory or place outside Ghana which is similar in whole, or in part, or in substance to the Ghanaian law in relation to which the expression is used.

"Council" means the Provisional National Defence Council;

"Court" includes Public Tribunals other than Community Tribunal;

"dealing" includes—

(*a*) a purchase, sale, loan, charge, mortgage, lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust, settlement, deposit, withdrawal, transfer between accounts, extension of credit;

(*b*) any purchase or sale of any securities, monetary instrument, or other instrument whatsoever by whatever means effected;

(*c*) any agency or grant of power of attorney; and

(*d*) any other disposition or dealing in whatever form, or of whatever description or nature, which results in any right, interest, title or privilege, whether present or future or whether vested or contingent, in the whole or part of any property being conferred on any person;

"diminished in value" in relation to any property means the whole or part of the property being expended, utilised, destroyed, or being subjected to any dealing, process or other act, so that it ceases to exist, or is reduced in value or size;

"document" includes—

(*a*) any letters, figures, marks, inscription, writing, sign, caricature, picture, drawing, or representation in any form; and

(*b*) any visual recording (whether of still or moving images) or sound recording, on any substance, material, thing or article;

"holder" in relation to any property includes—

(*a*) any person who is the owner of, or is in possession, or occupation of, or has the custody or control of that property; or

(*b*) any person who has any other right, interest, title, claim, or power, duty or obligation in relation to the property;

"illegal property" means any property, whether within or outside Ghana which—

(*a*) is wholly or partly derived or obtained from or by means of any prohibited activity carried out by any person after the commencement of this Law;

(*b*) is the income, earnings or assets wholly or partly derived or obtained from or by means of any property referred to in paragraph (*a*);

(*c*) is wholly or partly derived or obtained from or by means of any property referred to in paragraph (*a*) or (*b*);

(*d*) is wholly or partly traceable or attributable to any property referred to in paragraph (*a*), (*b*) or (*c*), or to any income, earnings or assets of any such property;

(*e*) after the commencement of this Law, is or was used to assist or facilitate any prohibited activity;

(*f*) is the subject matter of an offence under this Law committed after the commencement of this Law; or

(*g*) which, due to any circumstance such as, but not limited to, its nature, value, location or place of discovery, or the time, manner or place of its acquisition, or the person from whom it was acquired, or its proximity to other property referred to in the foregoing paragraphs, can be reasonably believed to be property falling within the scope of any of the foregoing paragraphs;

"lawful authority" means authority given by such person or body as the Secretary for Health may prescribe;

"narcotic drug offence" means an offence specified in Part I and section 10, 11 and 12 of this Law or under a corresponding foreign law;

"prohibited activity" means any act, activity, or conduct taking place in whole or in part within or outside Ghana which—

(*a*) constitutes an offence under this Law, or under any corresponding foreign law or which constitutes a narcotic drug offence; or

(*b*) although not constituting an offence referred to in paragraph (*a*), is of such a nature or occurs in such circumstances that it would have ultimately resulted in or led to the commission of such an offence;

"property" means any movable or immovable property and includes tangible and intangible property;

"purchaser in good faith for valuable consideration" means any transferee, assignee, chargee, mortgagee, pledgee, holder of a lien, or lessee, of any property where the transfer, assignment, charge, mortgage, pledge, lien, or lease was obtained by him for adequate valuable consideration in money or money's worth, without notice—

(*a*) that the property is illegal property; or

(*b*) of any circumstances from which, if reasonable inquiries had been made, it might have been discovered that the property is illegal property;

"Secretary" means the Provisional National Defence Council Secretary responsible for the Interior.

Repeal.

63. The following provisions of the Pharmacy and Drugs Act 1961 (Act 64) which relate to narcotic drugs are hereby repealed—

Sections 28 (2), 40(2), 44(3), 45, 46(2), Part VI, section 57(2), (3), (3A) and (5) and Part II of the Second Schedule to the Act.

SCHEDULE

Section 9 (1)

ACETORPHINE (3-*O*-acetyltetrahydro-7α-(1-hydroxy-1-methylbutyl)-6, 14-*endoetheno-oripavine*).

ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane).

ALLYLPRODINE (3-allyl-1-methly-4-phenyl-4-propionoxypiperidine).

ALPHACETYLMETHADOL (alpha-3-acetoxy-6-dimethylamino-4, 4-diphenylheptane).

ALPHAMEPRODINE (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).

ALPHAMETHADOL (alpha-6-dimethylamino-4,-4-diphenyl-3-heptanol).

ALPHAPRODINE (alpha-1,3-dimethyl-4-phenyl-4-propionoxy piperidine).

ANILERIDINE (1-*para*-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).

BENZETHIDINE (1-2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

BENZYLMORPHINE (3-benzylmorphine).

BETRACETYLMETHADOL (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane).

BETAMEPRODINE (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).

BETAMETHADOL (beta-6-dimethylamino-4,4-diphenyl-3-heptanol).

BETAPRODINE (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine).

BEZITRAMIDE (1-(3-cyano-3, 3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolinyl)-piperidine).

CANNABIS and CANNABIS RESIN and EXTRACTS and TINCTURES OF CANNABIS.

CLONITAZENE (2-*para*-chlorbenzyl-1-diethylaminoethyl-5nitrobenzimidazole).

COCA LEAF

COCAINE (methyl ester of benzoylecgonine)

CODOXIME (dihydrocodeinone-6-carboxymethyloxime)

CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade)

DESOMORPHINE (dihydrodeoxymorphine)

DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)

DIAMPROMIDE (N-[2-methylphenethylamino popyl] (propionanilide)

DIETHYLTHIAMBUTENE (3-diethylamino-1, 1-di-(2'-thienyl)-1-butene)

DIFENOXIN (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)

DIHYDROMORPHINE

DIMENOXADOL (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)

DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol)

DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2′-thienyl) -1-butene)

DIOXAPHETYL BUTYRATE (ethyl-4-morpholino-2, 2-diphenylbutyrate)

DIPHENOXYLATE (1-(3-cyano-3, 3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

DIPIPANONE (4, 4-diphenyl-6-piperidine-3-heptanone)

DROTEBANOL (3,4,-dimethoxy-17-methylmorphinan-6β, 14-diol)

ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine

ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1, 1-di-(2′ thienyl)-1-butene)

ETONITAZENE (1-diethylaminoethyl-2-*para*-ethoxybenzyl-5-nitrobenzimidazole)

ETORPHINE (tetrahydro-7α-(1-hydroxy-1-methylbutyl)-6, 14-*endo*-etheno-oripavine)

ETOXERIDINE (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester).

FENTANYL (1-phenethyl-4-N-propionylanilinopiperidine)

FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

HEROIN (diacetylmorphine).

HYDROCODONE (dihydrocodeinone)

HYDROMORPHINOL (14-hydroxydihydromorphine)

HYDROMORPHONE (dihydromorphinone)

HYDROXYPETHIDINE (4-*meta*-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester).

ISOMETHADONE (6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone).

KETOBEMIDONE (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine).

LEVOMETHORPHAN ((-)-3-methoxy-N-methylmorphinan)

LEVOMORAMIDE ((-)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine).

LEVOPHENACYLMORPHAN ((-)-3-hydroxy-N-phenacylmorphinan).

LEVORPHANOL ((-)-3-hydroxy-N-methylmorphinan)

METAZOCINE (2′-hydroxy-2, 5, 9-trimethyl-6-6, 7-benzomorphan)

METHADONE (6-dimethylamino-4, 4-diphenyl-3-heptanone)

METHADONE INTERMEDIATE (4-cyano-2-dimethylamino-4, 4-diphenylbutane).

METHYLDESORPHINE (6-methyl-delta-6-deoxymorphine)

METHYLDIHYDROMORPHINE (6-methyldihydromorphine)

METOPON (5-methyldihydromorphinone)

MORAMIDE INTERMEDIATE (2-methyl-3-morpholino-1, 1-diphenylpropane carboxylic, acid).

MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

MORPHINE

MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives.

MORPHINE-N-OXIDE

MYROPHINE (myristylbenzylmorphine)

NICOMORPHINE (3, 6-dinicotinylmorphine)

NORACYMETHADOL ((±)-alpha-3-acetoxy-6-methylamino-4, 4-diphenylheptane).

NORLEVORPHANOL ((-)-3-hydroxymorphinan)

NORMETHADONE (6-dimethylamino-4, 4-diphenyl-3-hexanone)

NORMORPHINE (demethylmorphine)

NORPIPANONE (4, 4-diphenyl-6-piperidino-3-hexanone)

OPIUM

OXYCODONE (14-hydroxydihydrocodeinone)

OXYMORPHONE (14-hydroxydihydromorphinone)

PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).

PETHIDINE INTERMEDIATE A (4-cyano-1-methyl-4-phenylpiperidine).

PETHIDINE INTERMEDIATE B (4-phenylpiperidine-4-carboxylic acid ethyl ester).

PETHIDINE INTERMEDIATE C (1-methyl-4-phenylpiperidine-4-carboxylic acid).

PHENADOXONE (6-morpholino-4, 4-diphenyl-3-heptanone)

PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide).

PHENAZOCINE (2′-hydroxy-5, 9-dimethyl-2-phenethyl-6, 7- benzomorphan).

PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan)

PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

PIMINODINE (4-phenyl-1-(3-phenylaminopropyl) piperidine-4-carboxylic acid ethyl ester).

PIRITRAMIDE (1-(3-cyano-3, 3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide).

PROHEPTAZINE (1, 3-dimethyl-4-phenyl-4-propionoxyazacycloheptane).

PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester).

RACEMETHORPHAN ((±)-3-methoxy-N-methylmorphinan)

RACEMORAMIDE ((±)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine.

RACEMORPHAN ((±)-3-hydroxy-N-methylmorphinan)

THEBACON (acetyldihydrocodeinone)

THEBAINE

TRIMEPERIDINE (1, 2, 5-trimethyl-4-phenyl-4-propionoxypiperidine); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

SCHEDULE II

ACETYLDIHYDROCODEINE

CODEINE (3-methylmorphine)

DIHYDROCODEINE

ETHYLMORPHINE (3-ethylmorphine)

NICOCODINE (6-nicotinylcodeine)

NICODICODINE (6-nicotinyldihydrocodeine)

NORCODEINE (N-demethylcodeine)

PHOLCODINE (morpholinylethylmorphine)

PROPIRAM (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

Made this 24th day of May, 1990.

FLT-LT. JERRY JOHN RAWLINGS
Chairman of the Provisional National Defence Council

Date of *Gazette* Notification: 13th July, 1990